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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,266	09/11/2006	Jean-Marie Vau	85308DAN	3465
1333	7590	11/07/2008	EXAMINER	
EASTMAN KODAK COMPANY			MA, TIZE	
PATENT LEGAL STAFF			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/542,266	<b>Applicant(s)</b> VAU ET AL.
	<b>Examiner</b> TIZE MA	<b>Art Unit</b> 2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 22 July 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-3 and 5-11 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,5-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/0256/06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see Page 5 of the Remarks, filed 7/22/2008, with respect to Objection to the Specification have been fully considered and are persuasive. The objection to the specification has been withdrawn.
2. Applicant's arguments, see Page 5 of the Remarks, filed 7/22/2008, with respect to Objection to claim 9 have been fully considered and are persuasive. The objection to claim 9 has been withdrawn.
3. Applicant's arguments, see Page 5 of the Remarks, filed 7/22/2008, with respect to Rejection of claim 4 under 35 U.S.C. 112 have been fully considered and are persuasive. The rejection of claim 4 has been withdrawn since claim 4 has been canceled.
4. Applicant's arguments with respect to claims 1-3, 5-11 have been considered but are moot in view of the new ground(s) of rejection.
5. The amended claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Touchard et al (EP 1130506 A2), and in view of Alsing et al ( US 6,362,850 B1). The EP version of Touchard et al, published on 09/05/2001, is a 102(b) type of reference. Therefore it is valid to be used in 103(a) rejection. Touchard et al reads on all limitations of claim 1 except that the sequentially alternated images are not portions of the image corresponding to different zones of interest as in the amended instant claim. Alsing et al discloses creating a sequence of images from different zones of an image (Fig. 5A-5F, column 5, lines 43-53). These images are altered by zooming. The

combination of Touchard et al and Alsing et al would render the claim 1 obvious to one of ordinary skill in the art at the time of the invention. Therefore claim 1 remains rejected. The dependent claims 2-3, 5-11 also remain rejected.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-3, 5-8, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touchard et al (EP 1130506 A2, already of the record), and in view of Alsing et al (US. 6,362,850 B1).

9. Regarding claim 1, Touchard et al teaches a method of display of at least one digital image as initial image, on a monitoring screen having a resolution less than a resolution of the initial image, the method comprising the steps of:

- a) automatically identifying a plurality of zones-of-interest in the image (paragraph [0027], detecting the principal subject),
- b) for each zone-of-interest identified, automatically selecting of an image portion containing the zone-of-interest (paragraph [0027], limiting the area),
- c) forming a sequence of images to be displayed comprising selected image portions corresponding to zones of interest (paragraph [0029], creating several vignettes),
- d) commanding an enlarged display of the images of the sequence, the sequence being shown as an ordered series of images (paragraphs [0027], [0029]-[0030], appropriate transformation would include enlargement; also creating and transmitting plurality of vignettes).

10. However, Touchard et al does not teach selected image portions corresponding to different zones of interest.

11. Alsing et al, in the same field of endeavor, teaches creating a sequence of images from different zones of an image (Fig. 5A-5F, column 5, lines 43-53). The sequence of images creates a motion picture effect and also helps to view more details for the selected areas of the image.

12. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the methods as shown in Touchard et al and in Alsing et al by creating a sequence of images from different zones of interest in an image for a motion picture effect and helping user to view more details for the selected areas of the image.

13. Regarding claim 2, Touchard et al teaches, during step d), the display is a full screen display (paragraph [0008], adapting to display screen).

14. Regarding claim 3, Touchard et al teaches that the step a) comprises the automatic identification of initial image zones showing faces, the zones showing faces being selected as the zones-of-interest (paragraph [0028], recognition of the presence of faces).

15. Regarding claim 5, Alsing et al teach the automatic selection of additional image portions located on a path linking two selected image portions containing zones-of-interest, and the insertion of these additional image portions in the sequence of images to be displayed, so as to simulate panning between the image portions containing a zone-of-interest (column 1, lines 62-67, generating a plurality of images along a path of panning from a still image).

16. Regarding claim 6, Touchard et al teaches comprising capturing the initial image with a digital camera (digital image, see paragraph [0007]), transmitting the image to a remote processing entity (paragraph [0002], transferring image via network), executing at least one of the steps a), b) and c) in the remote processing entity and sending a corresponding display command from the processing entity to a display device (paragraph [0027], transmitting, transforming, displaying images).

17. Regarding claim 7, Touchard et al teaches that the execution of the steps a), b), and c) occurs in the remote processing entity and the display command comprises data identifying the image portions to be displayed (paragraph [0027]).

18. Regarding claim 8, Touchard et al teaches that the display command comprises image data relating only to the image portions to be displayed (paragraph [0027], displaying images according to request).

19. Regarding claim 10, Touchard et al teaches that zones-of-interest are identified in many initial images and wherein the sequence is formed with image portions from many initial images (paragraph [0031], the process may include multiple images).
20. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touchard et al, in view of Alsing et al as applied to claim1 above, and further in view of Lambidakis (US 5,375,203, already of the record).
21. Regarding claim 9, the combination of Touchard et al and Alsing et al remains as applied to claim 1 above. However, the combination does not explicitly teach wherein the display commanding step comprises, for each image portion, an enlargement ratio instruction.
22. Lambidakis, in the same field of endeavor, teaches changing the sizes of the portion of the image, i.e., zooming, which would be realized by executing a command with an instruction of an enlargement (column 2, lines 5-14). The enlargement enables the user to view further details of the particular portion of the image.
23. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method as shown in the combination of Touchard et al and Alsing et al with the method as shown in Lambidakis by including an enlargement instruction to facilitate a zooming function for viewing the more details of the particular portion of the image.
24. Regarding claim 11, the combination of Touchard et al and Alsing et al remains as applied to claim 1 above. However, the combination does not explicitly teach wherein the entire initial image is shown in the sequence.

25. Lambidakis, in the same field of endeavor, teaches that the entire initial image is shown in the sequence (Column 1, lines 63-68; column 2, lines 1-4. Panning, and the entire bit map of the image can be displayed on a monitor). This provides an option to view the entire image in addition to the portions of the image.

26. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method as shown in the combination of Touchard et al and Alsing et al with the method as shown in Lambidakis by showing the entire initial image for an option to view the entire image in addition to the portions of the image.

***Conclusion***

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIZE MA whose telephone number is (571)270-3709. The examiner can normally be reached on Mon-Fri 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao M. Wu can be reached on 571-272-7761. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/XIAO M. WU/

Supervisory Patent Examiner, Art Unit 2628